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DIRECTOR'S OFFICE MEMORANDUM 2009 - 9   **EFFECTIVE: Immediately**

DATE: January 15, 2009

TO: Executive Policy Team
Administrative Management Team
Wardens

FROM: Patricia L. Caruso, Director

SUBJECT: Electronic Messages and Fund Transfers

The Department soon will be implementing a system by which members of the public, including family members, will be able to send electronic messages and fund transfers to prisoners in Correctional Facilities Administration (CFA) facilities. Electronic fund transfers will <u>not</u> be available to prisoners and probationers in the Special Alternative Incarceration Program (SAI), however, since they are not allowed to receive funds while in SAI. All electronic messages and fund transfers will be operated by JPay, which currently provides such services to various federal institutions, state agencies, and county jails. These services are available at no cost to participating agencies. The system also links information in its system to reveal associations between prisoners and senders for use by designated staff (e.g., inspectors).

Use of JPay to send electronic messages and fund transfers is considered a privilege. Senders are required to comply with all of JPay's terms and conditions of use, including not to use its service to transmit content that is unlawful, obscene, or is otherwise objectionable as determined by the Department or for a fraudulent or other inappropriate purpose. In addition, designated staff may block a sender from transmittal of electronic messages or funds to prisoners in CFA facilities if the sender has repeatedly sent such messages and/or funds in violation of Department policy or for other reasons as approved by the CFA Deputy Director. Designated staff may similarly block a prisoner from receipt of electronic messages and/or fund transfers if such messages or funds have repeatedly been sent to the prisoner in violation of Department policy or for other reasons as approved by the CFA Deputy Director. Notice of the block shall be sent to the sender or prisoner, as appropriate, within a reasonable time after the block is initiated. If blocked, the sender and prisoner may continue to correspond and send/receive funds via the United States Postal Service in accordance with Department policy. The sender may appeal the block to the Warden.

Service terminations by JPay must be addressed with JPay. Such terminations are not appealable to the Warden.

Electronic Messages

When implemented, a family member and other member of the public may transmit messages electronically to a prisoner through the JPay website. The sender will be required to purchase "postage" from JPay to use this service. All electronic messages sent via JPay are scanned for suspicious content, recorded, and archived by JPay. In addition, all electronic messages received by the Department will be monitored and will <u>not</u> receive any special handling, regardless of sender, even if the message would qualify for special handling if received through the mail.

Upon receipt at the facility, the electronic message shall be printed by designated staff and processed in the same manner as set forth for mail in PD 05.03.118 "Prisoner Mail"; however, the written content may be read in its entirety to determine if it violates PD 05.03.118. Any electronic message that has been determined by JPay to include suspicious content shall be read in its entirety. An electronic message that is determined to violate PD 05.03.118 shall be rejected. The intended prisoner recipient is not entitled to notice of the rejection or a hearing. Designated staff shall notify the sender, however, that the electronic message will not be delivered and the reason for the rejection through JPay. The sender may appeal the rejection in the same manner as set forth for rejected mail in PD 05.03.118. The printed copy of the rejected message shall be retained for at least fifteen business days after the sender is notified of the rejection; the printed copy shall then be destroyed unless an appeal by the sender is pending or the rejection determination has otherwise been reversed. Although the printed copy is destroyed, JPay will retain its archived copy.

Electronic Fund Transfers

When implemented, a family member and other member of the public who are allowed to send funds to a prisoner under PD 04.02.105 "Prisoner Funds" may send funds electronically to a prisoner's trust account through JPay. The funds may be sent using a credit or debit card through the JPay website, by calling JPay's toll-free number, and at designated kiosks at CFA facilities. Cash will be accepted at designated kiosks as well as at other locations identified by JPay. There is a fee charged the sender to use this service.

JPay will verify sender and prisoner information and electronically transmit deposits and verification information to the Department's Centralized Receipting Office. JPay also will identify funds that may have been sent from a source prohibited under PD 04.02.105. If the identified funds are determined by designated staff to be from a prohibited source, the funds shall be rejected. The intended prisoner recipient is not entitled to notice of the rejection or a hearing. Designated staff shall notify the sender, however, of the rejection and the reason for the rejection through JPay. JPay will return the transmitted funds to the sender. The sender may appeal the rejection to the Warden.

Training/Notices

JPay will be providing the Department with necessary marketing materials, which will be in both English and Spanish. JPay also will be providing all training and training materials to the Department to ensure staff are appropriately trained on each application.

<u>Implementation</u>

Electronic message and fund transfer services will become available at CFA facilities in accordance with a schedule approved by the CFA Deputy Director. Additional information on the operation of these services will be provided to staff and prisoners prior to implementation.

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